IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 12526 of 2005(N)

PETITIONER:

ALIYARKUNJU T.H., SAJITHA MANZIL,
MUKKATTUPADY, CHANGANACHERRY, KOTTAYAM DISTRICT.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, GOVT.SECRETARIATE,
TRIVANDRUM.

2. SALI S/O. KOCHU MOHAMMED,
ELAVUNGAL VEEDU, ERATTUPETTA VILLAGE,
ERATTUPETTA, KOTTAYAM.

3. COUNTRY WIDE, KURISUPALLY ROAD,
ERNAKULAM, KOCHI-15.

BY ADV. SRI.BABY THOMAS
SRI.ROJO J.THURUTHIPARA
PUBLIC PROSECUTOR SRI. SHYSON P. MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF AGREEMENT BETWEEN THE PETITIONER AND 2ND RESPONDENT DTD. 9.12.2003.

EXT.P2: COPY OF PETITION BY THE PETITIONER DTD. 8.10.2004.

EXT.P3: COPY OF COMPLAINT BEFORE JFCM, CHANGANACHERRYDTD. 11.3.2005.

EXT.P4: COPY OF FIR DTD. 14.3.2005 OF JFCM, CHANGANACHERRY.

EXT.P5: COPY OF LIABILITY CERTIFICATE BY THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

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// TRUE COPY//

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 12526 of 2005

Dated this the 25th day of July , 2007

JUDGMENT

No representation for the petitioner. Probably the writ petition has become infructuous. However, I notice that, accepting the submission made by the learned counsel for the petitioner that the vehicle in question has been seized by the 3rd respondent financier, this court granted interim stay of recovery proceedings. The 3rd respondent financier has not chosen to file any counter affidavit in the matter. The only relief which can now be legitmately aspired for by the petitioner is relief No.(ii) sought for in the writ petition i.e. stay of his arrest and detention in the revenue recovery proceedings. Even in the absence of the petitioner, the writ petition will stand disposed of granting that relief.

2. Accordingly, the writ petition is disposed of directing that the petitioner will not be arrested and detained in civil prison in

the revenue recovery proceedings initiated at the instance of the 3rd respondent for recovery of the amounts due to the 3rd respondent.

PIUS C. KURIAKOSE,
JUDGE.

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